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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/500,468

03/29/2005

Michel Droux

26207

5139

22889

7590

12/02/2009

OWENS CORNING
2790 COLUMBUS ROAD
GRANVILLE, OH 43023

EXAMINER

LONEY, DONALD J

ART UNIT

PAPER NUMBER

1794

NOTIFICATION DATE

DELIVERY MODE

12/02/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USIPDEPT@owenscorning.com

Office Action Summary	Application No. 10/500,468	Applicant(s) DROUX ET AL.	
	Examiner Donald Loney	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-33,35-49 and 53-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-33,35-49 and 53-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 11, 2009 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 38, 39, 49 and 53-60 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 38 and 39, there is no antecedent basis for the term "non-fleece". It appears this may have been intended to be fleece since claim 35, from which they depend refers to fleece? Claim 49 is indefinite in scope since claim 27, from which it depends, is a composite already since it has more than one layer. Claim 53 is not one complete sentence since it does not end with a period. It ends with the word "and", therefore, it appears that additional limitations where to be included? Clarification and/or correction is kindly requested.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 27, 30, 40, 41, 47, 48 and 49 are rejected under 35 U.S.C. 102(b) as being anticipated by either Thomas et al (3044146) or Brock et al (4041203).

Both Thomas et al and Brock et al discloses a layer of central core of randomly distributed glass stands which overlap in loops and a layer of glass fabric attached to both sides thereof per claims 27, 47 and 48, wherein all the layers are linked together by stitching and/or bonding. Refer to central core of randomly distributed glass stands 37 which overlap and fabric layers 28 and 43 on both sides thereof in figure 1 and 5 in Thomas et al, along with column 3, lines 25-62. Refer to central core of randomly distributed glass stands which overlap 54 and fabric layers 50 and 52 on both sides thereof in figure 4 in Brock et al along with column 6, lines 10-28. Brock et al does not specifically disclose the continuous layer is formed of overlapping loops, however, column 3, lines 1 and 2 refers to US Pat. No. 3692618 (Dorschner et al), which discloses how to form this layer. In figures 6 and 7, along with column 3, lines 55-72, column 7, lines 44-65 and column 8, lines 50-68 in Dorschner et al the central layer is disclosed as a overlapping looped structure. With regards to claim 30, see column 3, lines 36-38 in Thomas et al. With regards to claims 40 and 41, see column 4, lines 64-

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66 in Thomas et al. With regards to claim 49, since there is more than one layer, it is deemed a composite.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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9. Claims 28, 29, 31-33 and 35-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Thomas et al or Brock et al.

The primary references teach the invention substantially as recited except for the specific mass per unit area of the layer(s) per claims 28, 29, 31 and 32. They are silent as thereto. See the 35 U.S.C. 102 rejection above.

However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to either Thomas et al or Brock et al to form the layer (s) of what ever mass per unit area is required for a particular application since the layers are formed of the same and/or similar materials as the applicant (i.e. glass as indicated above). With regards to claim 33, one would use what ever length strands are needed for a particular application in order to provide the desired properties there from. With regards to claims 35-39, it would be obvious to apply additional layer(s) in order to apply the properties there from to the composite.

10. Claims 42-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Thomas et al or Brock et al as applied to claims 27, 30, 40, 41 and 47-49 above, and further in view of either Gracer (3197860) or Cancio et al (4298647).

The primary references disclose the invention substantially as recited except for the notches therein in order to aid in bending the composite.

Both Gracer and Cancio et al disclose it is known to form notches in a material in order to aid in bending thereof. Refer to column 3, lines 71-75 in Gracer and figures 1 and 2 in Cancio et al.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to the primary references to include notches therein, as is taught by Gracer and Cancio et al, in order to aid in bending thereof.

Response to Arguments

11. Applicant's arguments with respect to claims 27-33, 35-49 and 53-60 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald Loney whose telephone number is (571) 272-1493. The examiner can normally be reached on Mon, Tues, Thurs and Fri. 8AM-4PM, flex schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Sample can be reached on 571 272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Donald J. Loney/
Primary Examiner
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DJL;D.Loney
11/23/09